

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

**DANIEL B. O'KEEFE and
CELESTE A. FOSTER O'KEEFE,
and THE DANCEL GROUP, INC.**

PLAINTIFFS

VS.

Civil Action No. 1:08cv600 HSO-LRA

**STATE FARM FIRE AND CASUALTY
COMPANY and MARSHALL J. ELEUTERIUS**

DEFENDANTS

**MOTION TO EXPEDITE RULING ON PLAINTIFFS'
[306] APPLICATION FOR REVIEW OF THE UNITED STATES
MAGISTRATE JUDGE'S [280] ORDER DENYING
PLAINTIFFS' [189] MOTION TO COMPEL DEPOSITIONS**

COME NOW THE PLAINTIFFS, and file this Motion to Expedite Ruling on Plaintiffs'
[306] *Application for Review of the United States Magistrate Judge's* [280] *Order Denying*
Plaintiffs' [189] *Motion to Compel Depositions*:

1. Plaintiffs filed their [306] *Application for Review* in a timely manner, within ten (10) days of service of the subject [280] Order, excluding intervening weekends and holidays and adding three days for mailing pursuant to the Federal Rules. The underlying [189] *Motion to Compel* was filed more than two months ago, on August 21, 2009.

2. Pursuant to the Court's Order [200] the Discovery deadline will expire on December 1, 2009. Numerous depositions are currently slated to be taken during the month of November, and the depositions that are the subject of the Plaintiffs' [306] Motion need to be scheduled as soon as possible to ensure a prompt and efficient resolution of this litigation, should the Court rule in favor of the Plaintiffs..

3. Plaintiffs respectfully request the Court enter an Order expediting the briefing schedule on the subject Application for Review, and otherwise expediting resolution of this issue so that Plaintiffs can have time to complete the subject discovery prior to the end of the discovery period

in the event the Court rules in favor of the Plaintiffs; and/or so that Plaintiffs can seek other, appropriate relief in a timely and efficient manner.

WHEREFORE PREMISES CONSIDERED, pursuant to Local Rule 7.2(H), the Plaintiffs respectfully request that this Court Order expedited briefing on the Plaintiffs' [306] Application for Review, and enter its Order resolving the substantive issue set forth therein in an expedited manner. Plaintiffs further request any additional relief deemed appropriate by this Court.

Respectfully submitted, this the 30th day of October, 2009.

DANIEL B. O'KEEFE,
CELESTE A. FOSTER O'KEEFE, and
DANCEL GROUP, INC., PLAINTIFFS

By: /s/ Christopher C. Van Cleave
CHRISTOPHER C. VAN CLEAVE

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CERTIFICATE OF SERVICE

I, undersigned counsel of record, hereby certify that I have this day electronically filed the foregoing with the Clerk of the Court using the EFC system which sent notification of such filing to the following:

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This the 30th day of October, 2009.

/s/ Christopher C. Van Cleave
CHRISTOPHER C. VAN CLEAVE